

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

September 9, 2003  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Hirsch, Mallory, Silver, Turner  
Absent: Niemann

### Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Junior Compass (Finance), David Ogaz (Public Works).

Ron Whitehead, City Manager, also introduced Carlos Vazquez. Through sponsorship of ICMA, Mr. Vazquez will be visiting the Town for two months.

### Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the August 25, 2003, August 26, 2003 and August 28, 2003 Council meeting and work sessions.

Councilmember Mallory moved to duly approve the Minutes of the August 25, 2003, August 26, 2003 and August 28, 2003 Council meeting and work sessions. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

### Item #R3 – Appointment of a member to the DART Advisory Committee.

Mayor Wheeler moved to appoint Roger Mellow, 14840 Lochinvar Drive, to the DART Advisory Committee. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R4 – Consideration of approval of a final plat for two lots on 8.306 acres, located on the north side of Belt Line Road, between Addison Road and Quorum Drive, on application from Beltway Commercial Real Estate represented by Mr. Jim Riley of Brockett-Davis-Drake.

Councilmember Mallory moved to approve a final plat for two lots on 8.306 acres, located on the north side of Belt Line Road, between Addison Road and Quorum Drive, on application from Beltway Commercial Real Estate, subject to the following conditions:

1. The lot line between Lots 1 and 2 should be better defined on the plat.
2. A 30-foot drainage and ingress/egress easement shall be provided that connects all lots, including Lot 2, Block A, Beltway-Centre Addition, to Addison Road.
3. Site/Civil drawings must be prepared and approved by the Town in advance of any construction improvements on-site and off-site. Any revisions to the existing water, sewer, drainage, or paving infrastructure may require new utility or access easements.

Councilmember Hirsch seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner

Voting Nay: None

Absent: Niemann

Item #R5 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to a existing Special Use Permit for the sale of alcoholic beverages for off-premises consumption only, located at 14851 Inwood Road, on application from Goody-Goody Liquor, represented by Mr. Gordon Wilson.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved to duly pass Ordinance No. 003-027 approving an amendment to a existing Special Use Permit for the sale of alcoholic beverages for off-premises consumption only, located at 14851 Inwood Road, on application from Goody-Goody Liquor, subject to the following conditions.

1. Prior to the issuance of a building permit, the applicant shall submit a detailed landscape plan for the entire site that shows new and existing landscaping. All dead or missing trees and shrubs will need to be replaced, and the irrigation system will need to be brought up to the current standards outlined in the landscape regulations.
2. Any new mechanical equipment added to the roof of the building shall be screened from view with a material that is aesthetically compatible to the building. The Building Official shall make the determination as to what material is aesthetically compatible.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

After the Council voted, Mr. Joe Jansen, owner of Goody-Goody Liquor, asked to address the Council. Mr. Jansen complimented the zoning staff and the Police Department.

Item #R6 – **PUBLIC HEARING** on the Town's annual budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

No action was taken.

Item #R7 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$48,164.00 with Hotel Intercontinental to host the 2004 North Texas Jazz Festival in Addison.

Councilmember Silver moved to duly pass Resolution No. R03-084 authorizing the City Manager to enter into a contract in an amount not to exceed \$48,164.00 with Hotel Intercontinental to host the 2004 North Texas Jazz Festival in Addison. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R8 – Consideration of a Resolution authorizing the staff to file applications to DART for fiscal year 2003-2004 for DART LAP/CMS funds in the amount of \$1,290,000.00 for transportation related projects.

Councilmember Mallory moved to duly pass Resolution No. R03-085 authorizing the staff to file applications to DART for fiscal year 2003-2004 for DART LAP/CMS funds in the amount of \$1,290,000.00 for transportation related projects. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R9 – Presentation and update of new regulations from the Texas Commission on Environmental Quality (TCEQ) regarding the Town's discharge of storm water.

No action was taken.

Item #R10 – Presentation of the Addison Airport runway pavement evaluation.

No action was taken.

Item #R11 – Consideration of a Resolution authorizing the City Manager to enter into an Economic Development Incentive Agreement (grant agreement) with Frito-Lay, Inc. in connection with the construction of certain improvements by Frito-Lay, Inc. at Addison Airport.

Councilmember Turner moved to duly pass Resolution No. R03-086 authorizing the City Manager to enter into an Economic Development Incentive Agreement (grant agreement) with Frito-Lay, Inc. in connection with the construction of certain improvements by Frito-Lay, Inc. at Addison Airport, subject to final approval by the City Manager and the City Attorney. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner

Voting Nay: None

Absent: Niemann

Item #R12 – Consideration of a Resolution authorizing the City Manager to enter into a Ground Lease between the Town of Addison, as Landlord, and Frito-Lay, Inc., as Tenant, for the lease of certain premises located at Addison Airport.

Mayor Wheeler opened the meeting as a courtesy public hearing. The following persons spoke on this item.

- Bill Sines, Addison Resident
- Russell Bergman, Frito-Lay, Inc.
- Larry Kimbler, Staubach Company

Mayor Wheeler closed the meeting as a courtesy public hearing.

Councilmember Mallory moved to duly pass Resolution R03-087 authorizing the City Manager to enter into a Ground Lease between the Town of Addison, as Landlord, and Frito-Lay, Inc., as Tenant, for the lease of certain premises located at Addison Airport. Councilmember Turner seconded. The motion failed.

Voting Aye: None

Voting Nay: Wheeler, Chow, Hirsch, Mallory, Silver, Turner

Absent: Niemann

Councilmember Chow moved to duly pass Resolution R03-087 authorizing the City Manager to enter into a Ground Lease between the Town of Addison, as Landlord, and Frito-Lay, Inc., as Tenant, for the lease of certain premises located at Addison Airport, subject to the City Manager's and the City Attorney's final approval. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R13 – Presentation of the status of the new Addison Airport Hangar Project.

No action taken.

Item #R14 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an estimated amount of \$38,000.00 with First Southwest Asset Management (FSAM) for investment advisory services.

Councilmember Mallory moved to duly pass Resolution No. R03-088 authorizing the City Manager to enter into a contract in an estimated amount of \$38,000.00 with First Southwest Asset Management (FSAM) for investment advisory services, subject to the City Attorney's approval of the contract. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R15 – Consideration of an Ordinance approving the Town's FY2003-2004 Investment Policy and amending Section 2-207, Authorized Securities Investments; Section 2-209, Portfolio Maturities; and Section 2-211, Selection of Brokers/dealers of the Town of Addison Code of Ordinances.

Councilmember Turner moved to duly pass Ordinance No. 003-028 approving the Town's FY2003-2004 Investment Policy and amending Section 2-207, Authorized Securities Investments; Section 2-209, Portfolio Maturities; and Section 2-211, Selection of Brokers/dealers of the Town of Addison Code of Ordinances. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

Item #R16 – Consideration of a Resolution adopting the Town of Addison Investment Strategy for FY 2003-2004.

Councilmember Chow moved to pass Resolution No. R03-089 adopting the Town of Addison Investment Strategy for FY2003-2004. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay: None  
Absent: Niemann

**EXECUTIVE SESSION.** At 9:52 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following items:

Item #ES1 - Closed (executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code to deliberate the purchase or value of certain real property and to consult with and seek the advice of the City Attorney in connection with certain pending litigation, to wit: *Town of Addison v. Metro Brick Company, Inc. and Dennis Calander, Individually and as President of Metro Brick Company, Inc. et al.*, Cause No. 02-05062-E, Dallas County, Texas.

The Council came out of **Executive Session** at 10:04 p.m.

Item #R17 – Consideration of a Resolution authorizing the City's Attorney to enter into an agreed judgment in *Town of Addison v. Metro Brick Company, Inc. and Dennis Calander, Individually and as President of Metro Brick Company, Inc. et al.*, Cause No. 02-05062-E, Dallas County, Texas

Councilmember Mallory moved to duly pass Resolution No. R03-090 authorizing the City's Attorney to enter into an agreed judgment in *Town of Addison v. Metro Brick Company, Inc. and Dennis Calander, Individually and as President of Metro Brick Company, Inc. et al.*, Cause No. 02-05062-E, Dallas County, Texas. Councilmember Turner seconded. The motion Carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Silver, Turner

Voting Nay: None

Absent: Niemann

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary